

## UNITED STATES DISTRICT COURT

for the

Western District of Virginia

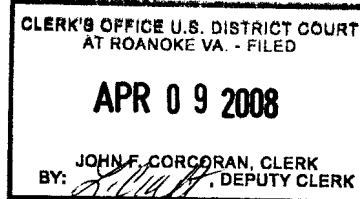
United States of America

v.

Tony LeWayne Yancey, Jr.

Date of Previous Judgment: December 2, 2005

(Use Date of Last Amended Judgment if Applicable)

Case No: 7:04CR00139-002USM No: 10890-084

Defendant's Attorney

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months is reduced to \_\_\_\_\_.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)

Previous Offense Level: \_\_\_\_\_

Amended Offense Level: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Previous Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

Amended Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- ☐ The reduced sentence is within the amended guideline range.  
☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.  
☐ Other (explain): \_\_\_\_\_

**III. ADDITIONAL COMMENTS**

The defendant received the statutory mandatory minimum sentence of 120 months. The 2007 amendments to the crack cocaine sentencing guidelines cannot reduce his guideline range below the statutory mandatory minimum. As 18 U.S.C. § 3582(c)(2) authorizes a sentence reduction only when an amendment reduces the guidelines range, the defendant is not eligible for a sentence reduction under the amendments.

Except as provided above, all provisions of the judgment dated 12/02/2005 shall remain in effect.

**IT IS SO ORDERED.**Order Date: April 9, 2008

James C. Turk  
Judge's signature

Effective Date: \_\_\_\_\_  
(if different from order date)

James C. Turk, Senior United States District Judge  
Printed name and title